

### REMARKS

This application has been carefully reviewed in light of the Office Action dated August 23, 2005. Claims 1 to 3, 5 to 8, 10 to 21, 23 to 26, and 28 to 39 are in the application, with Claims 4, 9, 22, and 27 having been cancelled. Claims 1, 5, 19, 23, and 36 to 39 are the independent claims herein. Reconsideration and further examination are respectfully requested.

Claims 1, 2, 19, 20, 36 and 38 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,822,003 (Girod), Claims 5 to 8, 10, 23 to 26, 28, 37 and 39 were rejected under 35 U.S.C. § 102(a) over allegedly admitted prior art from the Background of the Invention portion of the specification of the subject application, Claims 9, 15 to 18, 27 and 32 to 35 were rejected under 35 U.S.C. § 103(a) over the alleged admission in view of Girod, Claims 3, 4, 21 and 22 were rejected under § 103(a) over Girod in view of the alleged admission, Claims 11 and 29 were rejected under § 103(a) over the alleged admission in view of U.S. Publication No. 2002/0024602 (Juen), Claims 12, 14 and 31 were rejected under § 103(a) over the alleged admission in view of Juen and Girod, and Claims 13 and 30 were rejected under § 103(a) over the alleged admission in view of Juen and further in view of U.S. Patent No. 6,665,090 (Hall). Reconsideration and withdrawal of the rejections are respectfully requested.

According to one aspect of the invention defined by Claim 1, an image processing apparatus comprising extracting means for extracting a first image characteristic amount and a second image characteristic amount from an image, the second image characteristic amount being larger than the first image characteristic amount. A judging

means judges a similarity between the first image characteristic amount and the second image characteristic amount extracted by the extracting means, and a selecting means selects either the first image characteristic amount or the second image characteristic amount as a characteristic amount of the image in accordance with a judging result of the judging means.

Claims 19, 36 and 38 are method, storage medium and computer data signal claims, respectively, that substantially correspond to Claim 1.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of Claims 1, 19, 36 and 38, and in particular, is not seen to disclose or to suggest at least the feature of extracting a first image characteristic amount and a second image characteristic amount from an image, judging a similarity between the extracted first image characteristic amount and the second image characteristic amount, and selecting either the first image characteristic amount or the second image characteristic amount as a characteristic amount of the image in accordance with a judging result.

The Office Action realleged that block 413 of Girod teaches the claimed judging step. However, Applicants disagree. Specifically, Applicants claimed judging step judges a first image characteristic extracted from an image with a second image characteristic extracted from the image, and then compares them with one another (by judging a similarity between them) to determine which characteristic to use as an image characteristic of the image. In contrast, block 413 of Girod merely compares a first image characteristic extracted from an image to an original of the image. That is, Girod does not extract a second image characteristic from the image, where the second characteristic is

larger than the first, and then compare the two extracted characteristics to one another in order to determine which characteristic to use as an image characteristic of the image. Accordingly, Girod is not seen to disclose or to suggest the features of Claims 1, 19, 36 and 38.

The allegedly admitted prior art, Juen and Hall have all been studied, but none of those references are seen to make up for the deficiencies of Girod. Specifically, any permissible combination of Girod, the allegedly admitted prior art, Juen and/or Hall, would not have resulted in at least the feature of extracting a first image characteristic amount and a second image characteristic amount from an image, judging a similarity between the extracted first image characteristic amount and the second image characteristic amount, and selecting either the first image characteristic amount or the second image characteristic amount as a characteristic amount of the image in accordance with a judging result.

In view of the foregoing deficiencies of the applied art, independent Claims 1, 19, 36 and 38, as well as the claims dependent therefrom, are believed to be allowable.

In another aspect of the invention according to Claim 5, in performing DCT processing and quantization of an image, a determination is first made whether the image is a moving image or a still image. Then, based on this determination, a number of coefficients to be used in the quantization processing is determined.

Referring specifically to the claims, Claim 5 is directed to an image processing apparatus comprising DCT processing means for effecting DCT processing of an image, quantization means for effecting quantization of data subjected to the DCT

processing by the DCT processing means, judging means for judging whether an original image is a moving image or a still image, coefficient selecting means for selecting a number of quantization DCT coefficients to be extracted from among the quantization DCT coefficients subjected to the quantization by the quantization means, in accordance with a judging result by the judging means, and setting means for setting the number of quantization DCT coefficients selected by the coefficient selecting means as an image characteristic amount.

Independent Claims 23, 37 and 39 are method, storage medium and computer data signal claims, respectively, that substantially correspond to Claim 5.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of Claims 5, 23, 37 and 39, and in particular, is not seen to disclose or to suggest at least the feature of judging whether an original image is a moving image or a still image, selecting a number of quantization DCT coefficients to be extracted from among the quantization DCT coefficients subjected to quantization processing, in accordance with a judging result, and setting the number of quantization DCT coefficients selected by the coefficient selecting means as an image characteristic amount.

The allegedly admitted prior art merely describes a conventional coefficient selection process. Even if the allegedly admitted disclosure does in fact teach all that the Office Action alleges, a point which Applicants do not concede, such disclosure nonetheless fails to teach judging whether an original image is a moving image or a still image, and selecting the number of DCT coefficients based on the judging result.

Accordingly, independent Claims 5, 23, 37 and 39 are believed to be allowable over the allegedly admitted prior art.

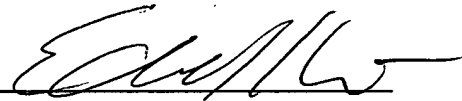
Girod, Juen and Hill have been studied, but none of those references are seen to add anything that, when combined with the allegedly admitted prior art, would have resulted in the presently claimed invention of Claims 5, 23, 37 and 39, and more specifically, any permissible combination would not have resulted in the feature of judging whether an original image is a moving image or a still image, selecting a number of quantization DCT coefficients to be extracted from among the quantization DCT coefficients subjected to quantization processing, in accordance with a judging result, and setting the number of quantization DCT coefficients selected by the coefficient selecting means as an image characteristic amount.

In view of the foregoing, Claims 5, 23, 37 and 39, as well as the claims dependent therefrom, are believed to be allowable.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa,  
California office by telephone at (714) 540-8700. All correspondence should continue to  
be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward A. Kmett', written over a horizontal line.

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